

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
OFFICE OF THE GENERAL COUNSEL
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Attorneys for Defendant AC Transit

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KIRK COOPER,)	NO. C 06-06345 MHP
)	
Plaintiff,)	
)	
v.)	DEFENDANT AC TRANSIT'S SECOND
)	<u>STIPULATION AND PROPOSED ORDER</u>
)	
ALAMEDA-CONTRA COSTA)	
TRANSIT DISTRICT, et al.,)	
)	
Defendants.)	
_____)	

The parties to the above entitled action, by & through their respective attorneys, stipulate that for the reasons set forth in the accompanying Declaration of Cathleen A. Wadhams, the deadline for completing the Early Neutral Evaluation be extended to October 30, 2007, so that a second ENE session can occur on September 6, 2007.

DATED: August 29, 2007

/S/

Eugene T. Franklin, Attorney for
Plaintiff, Kirk Cooper

DATED: August 29, 2007

/S/

Cathleen A. Wadhams, Attorney for
Defendant, AC Transit

~~PROPOSED~~ ORDER

IT IS HEREBY ORDERED that:

The deadline for completing the Early Neutral Evaluation be extended to October 30, 2007, so that a second ENE session, currently scheduled for September 6, 2007, may occur.

DATED: 8/30, 2007



DECLARATION OF CATHLEEN A. WADHAMS
IN SUPPORT OF STIPULATION TO EXTEND DEADLINE
FOR EARLY NEUTRAL EVALUATION

I, Cathleen A. Wadhams, declare as follows:

1. I'm an attorney at law licensed to practice in all courts in the State of California and am admitted to practice in U.S. District Court for Northern California. I am the attorney of record for defendant AC Transit in this action and the matters stated in this declaration are within my personal knowledge and if called to testify, I could and would competently testify to them.

2. The parties participated in Early Neutral Evaluation with Greta Schnetzler, Esq. on August 16, 2007. The parties are both interested in settling this case and continue to explore the potential of providing plaintiff with a disability retirement option, and while the August 16, 2007 ENE was productive, the parties and the evaluator agreed that a second ENE session was warranted. Both sides and the evaluator agreed to schedule a second ENE session for September 6, 2007, a date available for all concerned, and which gives the parties enough time to explore the medical viability of a disability retirement option. However, this date is beyond the deadline for completing the ENE process. The parties are thus requesting, via this stipulation and declaration, that the deadline be extended to October 30, 2007.

While this is the second request for an extension, the ENE process is not being delayed in anyway, as the parties have already participated in a full session on August 16, 2007, and have scheduled a second session to take place next week. The parties are optimistic and hopeful that this matter can be resolved by way of settlement and the second ENE session will be specifically focused on settlement discussions.

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1 The parties request that the deadline for completing the ENE process be extended to
2 October 30, 2007. While this deadline is 60 days out, it will insure that the parties have
3 time to fully explore settlement options, and will not need to request any further
4 extensions.

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Executed this 28th day of August, 2007, at Oakland, California

7 _____
8 Cathleen A. Wadhams
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15 (S:\Legal\Cases\Cooper\Scnd Stipulation & Order; Decl of CAW)
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